

CITY COUNCIL PROCEEDINGS

Tuesday, May 3, 2011

6:00 p.m.

1. CALL TO ORDER AND ROLL CALL

Mayor Osborne called the regular May 3, 2011 City Council meeting to order at 6:00 p.m. in Council Chambers.

Those present were: Mayor Osborne, Deputy Mayor Wilson and Council Members Ageton, Appelbaum, Becker, Cowles, Gray, Karakehian, and Morzel.

A. **Historic Preservation Month Declaration.**

Mayor Osborne read a declaration honoring Historic Preservation Month in May.

2. OPEN COMMENT and COUNCIL/STAFF RESPONSE – 6:05 p.m.

1. Kate Bailey spoke in support of legislation to reduce the use of plastic bags. She suggested assessing a fee for disposable bag use.
2. Jane Monson urged Council to call-up the 855 Juniper item as she did not feel the Planning Board had adequate justification for approving it. The structure blocked views, was not compatible with the neighborhood character and property values would suffer. This was not an acceptable reason for a height exception
3. Tom DeMers spoke to the homeless camping issue and suggested Council was being cruel.
4. Sadie Witt representing the NetZero club supported a ban on disposable bag use.
5. David Diamond representing the Fairview NetZero club also requested that a ban on single use disposable bags be added to the Waste Reduction Master Plan.
6. Maddy Searchinger also representing the NetZero club urged council to ban single use disposable plastic bags.
7. Carolyn Bninski spoke to the homeless camping issue.
8. Michael Fitzgerald also spoke to the homeless camping issue indicating that he needed to sleep outdoors until he qualified for housing and it should not be illegal.
9. Bill Mattiace thanked Boulder and Boulder Tomorrow for inviting him to share his Las Cruces story on municipalization. He urged Council to keep track of how much general fund money is spent each week. If the bond doesn't improve the safety, welfare and quality of life issues, the reconsider the action. If lower rates and reliability are possible, then take the action.
10. John Gerstle requested that Council call-up the 855 Juniper item noting that the height variance would impact neighbors and was not needed to accomplish the needed functionality of the structure.
11. Elizabeth Allen urged Council not to approve a hotel in Boulder.
12. Leigh Cushing with EcoCycle noted that Boulder County residents want to see a fee on single use disposable bags and other cities are passing this kind of legislation.
13. Tim Nichols pooling time with Richa Poudyal urged Council to pursue environmental legislation to minimize Boulder's reliance on disposable items.
14. Morning Glory Farr also spoke about single use disposable bags and urged Council to take up legislation.

15. Sara Close joined a group who did the world's first study on plastic in the ocean and she supported the plastic bag legislation as a small step in ridding the world of plastics waste. She distributed a press release.
16. Rob Smoke spoke to a Boulder Energy Future flyer and suggested it seemed to push for residents' support. He indicated it didn't seem rational to support projects like that which cost millions when people are being criminalized for sleeping outdoors and that issue can't be resolved.
17. Mary Louise Chavers spoke in opposition to pesticide spraying (naphthalene), a cancer causing agent, near uptown Broadway. She felt the use of the chemical was a hate crime against her.
18. Jerry Allen, a strong supporter of the Valmont City Bike Park expressed concern that the P.A. system across the street from 300 families in Vista Village was obnoxiously loud, all day long.
19. Terry Sternberg spoke in opposition to the homeless camping ordinance and specifically noted people needed to be able to sleep somewhere in town so they were close to employment.
20. Robert Sharpe spoke to principles of community decision making noting that all the pros and cons should be included rather than staff suggesting or pushing for a specific course of action.
21. Diane Merker with Greenlands, an environmental group from the Newlands area, saw the film "Bag It" at the International Film Festival and urged Council to ban the use of disposable plastic bags.
22. Seth Brigham protested the 2 minute speaking limit and internet sign up as a way of usurping the speakers that are normally here and critical of council. He urged Council to pass a Resolution to get out of Afghanistan. He criticized Council for not addressing the homeless camping issue.
23. Aidan O'Donovan with New Era Colorado spoke in support of banning single use bags. A few weeks ago he brought forward approximately 500 signatures and brought another 527 signatures in support of his cause.
24. Christopher Foreman the owner of 855 Juniper noted that the site review process was intended to allow flexibility and encourage innovation. He requested Council uphold the Planning Board's approval.
25. Cathy Conery also supported a ban on disposable plastic bag use.
26. Mark Denehy with the Home Group compared the city's homeless issue to segregation and urged Council to repeal its camping ordinance as it singled out a minority group. Council should focus on addressing the drinking, littering and other associated issues.
27. Dave Mattison commented that he had a proposed solution to give homeless jobs, support renewable energy and increase tourism.
28. Joshua Brown spoke to the homeless issue noting that Colorado had the 5th highest ranking in brutality towards the homeless. He urged Council to pursue any opportunity to resolve this issue.

City Manager Response: - 7:15 p.m.

City Manager Brautigam noted that New Era came to council a couple weeks ago and staff had begun looking at the issue and would report back via an information packet memo toward the end of June. This matter could be considered on June 16 when the work plan was discussed.

Ms. Brautigam then reported that a report for the May 10 study session on Boulder's Energy Future would be couriered to Council and posted to the website on Thursday.

City Council Response:

Council Member Karakehian indicated he met with Chris Mitchell with BOHO and would be bringing some ideas forward to address some of the community's homeless issues.

Council Member Gray suggested staff ask the Shelter what the costs would be to keep the shelter open over the summer months. Regarding the Valmont Bike Park P.A. system she asked if it was slated to be on all the time or how often.

Council Member Morzel also requested more information on the Valmont Bike Park P.A. system.

3. **CONSENT AGENDA: - 7:19 p.m.**

- A. **CONSIDERATION OF A MOTION TO ACCEPT THE SUMMARY OF THE MARCH 29 STUDY SESSION ON THE BOULDER VALLEY COMPREHENSIVE PLAN.**
- B. **CONSIDERATION OF A MOTION TO APPROVE THE CONVEYANCE OF APPROXIMATELY 0.62 ACRES OF RIGHT-OF-WAY IN FEE, THREE PERMANENT EASEMENTS TOTALING 0.05 ACRES AND ONE 0.084 ACRE TEMPORARY CONSTRUCTION EASEMENT TO THE COLORADO DEPARTMENT OF TRANSPORTATION FOR THE PURPOSES OF ROAD IMPROVEMENTS ASSOCIATED WITH COLORADO STATE HIGHWAY 7 IN FRONT OF 6400 ARAPAHOE ROAD. CDOT WILL PAY \$331,000 TO THE CITY AS COMPENSATION FOR THESE PROPERTY INTERESTS AND DAMAGES.**
- C. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7785 GRANTING A TWO YEAR FRANCHISE EXTENSION TO COMCAST OF COLORADO IV, LLC TO USE PUBLIC RIGHTS OF WAY TO PROVIDE CABLE TELEVISION SERVICES AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF BOULDER AND COMCAST OF COLORADO IV, LLC.**

Council Member Cowles indicated he would oppose this item.
- D. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7789 AMENDING THE INTERGOVERNMENTAL AGREEMENT, "INTERGOVERNMENTAL AGREEMENT FOR IMPLEMENTATION OF THE KEEP IT CLEAN PLAN," A REGIONAL STORMWATER MANAGEMENT PROGRAM SERVING THE COMMUNITIES OF BOULDER, LONGMONT, LAFAYETTE, LOUISVILLE, ERIE, SUPERIOR AND BOULDER COUNTY.**

- E. **SECOND READING AND CONSIDERATION OF EMERGENCY ORDINANCE NO. 7791 ADOPTING SUPPLEMENT NO. 108 WHICH CODIFIES PREVIOUSLY ADOPTED ORDINANCE NOS. 7712, 7713, 7777, 7778, 7779, 7780, 7783, AND THE COUNCIL PROCEDURE AND INCLUDES OTHER MISCELLANEOUS CORRECTIONS AND AMENDMENTS TO THE BOULDER REVISED CODE, 1981.**
- F. **INTRODUCTION, FIRST READING AND CONSIDERATION OF A MOTION TO ORDER PUBLISHED BY TITLE ONLY AN ORDINANCE APPROVING SUPPLEMENTAL APPROPRIATIONS TO THE 2011 BUDGET.**

This item was pulled from the consent agenda by Council Member Appelbaum for discussion later in the meeting after the Mapleton EET item was discussed.

Deputy Mayor Wilson moved, seconded by Morzel to approve consent agenda items 3A through 3E, with item 3F pulled for later discussion. The motion carried 9:0. Cowles opposed to item 3C.

Council Member Cowles commented that he thought Comcast was taking a lot of wealth out of the community for its services. He thought the City should let the franchise lapse and open the community up to more competition. He would not be voting for item 3C.

Council Member Appelbaum indicated he would forward some hotline questions relating to the budget supplemental. He noted the Mapleton EET item was included in the supplemental and recommended pulling the item and considering it after the Mapleton Item was discussed.

4. **CALL- UP CHECK IN: - 7:27 p.m.**

Council Member Gray expressed an interest in calling up the 855 Juniper item.

ORDER OF BUSINESS

5. **PUBLIC HEARINGS: - 7:27 p.m.**

- A. **CONSIDERATION OF A MOTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT FOR THE RENOVATION OF THE MAPLETON SCHOOL FOR USE AS AN EARLY CHILDHOOD EDUCATION CENTER, INCLUDING THE TRANSFER OF \$3.5 MILLION IN EDUCATION EXCISE TAX FUNDS TO THE BOULDER VALLEY SCHOOL DISTRICT. THE APPROVAL IS CONDITIONED ON SUBSEQUENT APPROPRIATION OF THE FUNDS.**

Carl Castillo, Policy Advisor, provided an introduction on the item. He introduced Leslie Smith, Helayne Jones, Don Orr, Glen Segreue, Joe Sleeper, Karen Daley and others from the Boulder Valley School District.

Leslie Smith with the Boulder Valley School District commented that the request for the Mapleton EET funds was consistent with the education excise tax use guidelines. The School District desired to focus on supporting the community's most needy children. She noted that the options were to either offer centralized services at Mapleton or offer services at two separate facilities at Crestview and Eisenhower. Offering services at Mapleton would also support the preservation of the historic school.

Helayne Jones with the Boulder Valley School District spoke to the contentious closing of neighborhood schools right before she was appointed to the Board. Her goal was to repurpose and create a viable educational opportunity for the closed school. She noted that early childhood education for Boulder's neediest families was an appropriate use for the Mapleton property and indicated BVSD wanted to partner with the City to see this goal achieved.

Karen Rahn, Director of Housing and Human Services, then spoke to the needs for early childhood education in the Boulder community. Reliable data and research indicated that early childhood education was successful in bridging the achievement gap. The Boulder Valley School District proposal would meet an identified need in Boulder and was consistent with the EET guidelines.

Carl Castillo then noted several key elements of the plan which would require the City to transfer \$3.5 million in Education Excise Tax revenue to Boulder Valley School District by July 31, 2011. BVSD would renovate Mapleton School and have it ready for the 2012/2013 school year. There was a requirement in the IGA that BVSD would keep the Mapleton facility open for early childhood education purposes for 20 years, otherwise an amortized portion of the funds with interest would be returned to the City. Lastly, the BVSD agrees to utilize its design advisory team process to address the many issues associated with the property, specifically historic preservation, parking, traffic and the concern about maintaining green space.

Deputy Mayor Wilson asked whether the proposed program for the school was adequate to justify the large capital cost. Helayne Jones responded that even with the Mapleton building, the School District still would not meet the demands within the community.

Council Member Ageton asked how children would be selected for the 120 slots. BVSD responded that parents could opt in via an open enrollment process, sliding scale tuition (low-income) would be a focus, as well as scholarships and children who have disabilities would be provided services without cost to the parents.

Council Member Becker clarified that extended care would not be available. She raised concern that the need for extended care be provided within the school district.

Council Member Gray clarified that the Whittier attendance area would be served by the Mapleton proposal as Whittier had no more room to expand and no room for a preschool. Did BVSD expect kids from other areas to take advantage of reduced tuition? BVSD clarified that the focus was definitely to meet the needs of lower income families.

Council Member Becker noted that the Boulder County Early Childhood Council had not taken a vote on Mapleton. Ms. Rahn commented they had not voted on Mapleton specifically but had voted on the Wilderness place project and were in support of a similar proposal at that location.

Joe Sleeper commented that BVSD had been in the preschool business for 30 years and was looking to expand successes and offer a menu of options in the community. It was not looking to compete with other providers. BVSD was confident that a program with educational emphasis would prepare students for kindergarten.

Council Member Morzel noted that the IGA didn't require BVSD to comply with the city's landmark preservation ordinance. The value in compliance was the ability to obtain additional funds through the State. She needed a better understanding of why this exemption existed in the IGA. Staff clarified the IGA didn't preclude, but didn't lock BVSD in either. Don Orr commented the decision would have to be made by the Board of Education, not staff. He noted during the project at Whittier staff submitted landmarks alteration certificates twice and had developed a solid working relationship with staff. They take to heart comments made by the landmarks board and incorporate where possible. The City had not recommended conditions that BVSD hadn't applied to their designs.

The Public Hearing was opened: - 8:06 p.m.

1. Matt Dubofsky spoke in support of the Mapleton School proposal and was a prior attendee at that school. He hoped the school would be put back to a productive use. They thought it was a wonderful idea.
2. Ruth Blackmore spoke on behalf of PLAN Boulder County in support of the staff recommendation for renovating Mapleton School for use as an early childhood education center. Children would be transported no matter where the programs took place.
3. Bill, Chelsea and Quincy Flaggs who live in the Mapleton Neighborhood supported the staff recommendation.
4. Abby Daniels on behalf of Historic Boulder noted they supported this recommendation and the revitalization of a historic building. This was the fourth school built in Boulder and she urged a robust design process to ensure community input.
5. Lou Huntington spoke to stoplights at 30th & Baseline and asked staff to be creative. He also spoke to the need for jobs for the handicapped in the Boulder community.
6. Matt Eldred, Executive Director for the Acorn School and involved with the Mapleton Coalition, supported the Mapleton recommendation.
7. Lynn Segal compared this issue to Washington School project and urged Council to hold off on voting until there was a very firm agreement to switch the site back to a full elementary school. She did not want to see anything open ended.

There being no further speakers the public hearing was closed. 8:22 p.m.

Council Member Becker asked what would happen if the school district fell short on funds. Joe Sleeper commented that the project scope would be defined within the budget.

Council Member Gray moved, seconded by Morzel to authorize the City Manager to enter into an Intergovernmental Agreement for the renovation of the Mapleton School for use as an early childhood education center, including the transfer of \$.5 million in education excise tax funds to the Boulder Valley School District. The motion carried 6:3,

B. CONSIDERATION OF A MOTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH BOULDER COUNTY AND JEFFERSON COUNTY WHEREIN \$2,000,000 OF OPEN SPACE FUNDS WOULD BE PLACED INTO AN ESCROW ACCOUNT FOR THE CONTEMPLATED JOINT PURCHASE OF 640 ACRES OF LAND AND MINERAL RIGHTS LOCATED IN JEFFERSON COUNTY KNOWN AS SECTION 16 FROM THE COLORADO STATE LAND BOARD, AND FOR THE CITY TO DROP ITS OPPOSITION TO CONSTRUCTION OF THE JEFFERSON PARKWAY. – 8:57 P.M.

Carl Castillo, Policy Advisor, introduced the item providing background and highlights of the IGA. He introduced Jefferson County Commissioners and Boulder County Commissioners attending the meeting. He commented that the IGA did not require support for the Jefferson Parkway nor was it conditioned upon its success.

Jim Schmidt then spoke to the justification for preserving the Section 16 property and introduced Dr. Buckner, Plant Ecologist, to speak to the variety of plant species on the Section 16 property. Dr. Buckner, plant ecologist, spoke to the variety of plant species on the section 16 property. Dr. Buckner described many unique plant and geological features of the property.

Jim Schmidt then spoke to the Open Space Charter purposes for acquiring open space and noted that the department recognized this property as unique, preserved wildlife habitat and would assist in limiting urban sprawl and growth.

Carl Castillo then provided a brief summary of the details of the Intergovernmental Agreement.

Will Toor on behalf of the Boulder County Commissioners indicated the Commissioners had voted unanimously to support the item. It was not an easy decision for the Board. He spoke to the history of working on issues with the City along that entire corridor. The County had concerns about land use impacts and the issue of building a road instead of a multi-modal approach to transportation needs. This was a unique opportunity to resolve decades long regional conflicts.

Fay Griffin, Jefferson County Commissioner, noted that they appreciated the opportunity for cooperation with the City of Boulder and Boulder County and thanked those involved.

Commissioner Don Rosier also appreciated the collaboration with the City and County. He noticed elk in the Woman Creek area and wanted to preserve this. He also noted that a tremendous amount of time and effort had gone into this. He thanked Council for allowing that to happen.

Council Member Gray asked about the funding outlined on page 10. Mr. Castillo responded that \$200,000 would come from the Department of Natural Resources for Prebles habitat preservation. Staff would be pursuing any and all funding options. It was clarified that GOCO funds could not be used for property that would eventually be transferred to the Federal Government.

The public hearing was opened – 9:48 p.m.

1. Harvey Nichols, professor of Biology at CU, made sure Council knew the section of Road west of Indiana where the proposed toll road would go, was the most plutonium contaminated area of the Rocky Flats Refuge. He asked whether Council had weighed the health consequences on the road workers and surrounding communities. Please delay until each member is fully aware of all scientific data in that area.
2. Lisa Skumatz, Town of Superior Trustee, expressed concerns about the Fish and Wildlife transfer of property rights and possible plutonium particles being dug up. She hoped the roadway could still be relocated to avoid disturbing the ground contaminates. Superior remained concerned about impacts on their town and the tradeoff wasn't good enough.
3. Ruth Blackmore on behalf of PLAN Boulder County noted that it generally opposed the creation of the Jefferson Parkway due to its potential impacts on the health and safety of workers and residents. However, PLAN Boulder County would support the item subject to the conditions they submitted to Council in December. The currently proposed IGA met their criteria but they would still like to see an environmental impact study done along the proposed Jefferson Parkway area and have it fully remediated.
4. Sandy Pennington, Town of Superior Trustee spoke in opposition to the Jefferson Parkway noting that it promoted urban sprawl, did not complete the beltway, and was a major public health threat. Is an uncertain future open space deal worth the potential impact? Is a small section of road worth fostering urban sprawl? Superior wants a foothills community that prizes health and quality of life.

There being no further speakers the public hearing was closed. 10:06 p.m.

Council Member Morzel moved, seconded by Cowles to authorize the city manager to 1) Enter into an Intergovernmental Agreement with Boulder County and Jefferson County to purchase and conserve "Section 16" a 640 acre parcel of land adjacent to the Rocky Flats National Wildlife Refuge, and for the city to drop opposition to the construction of the Jefferson Parkway, and 2) Execute such documents as may be necessary to facilitate the implementation of the IGA, including creation and execution of an escrow account. The motion carried 7:2; Appelbaum and Karakehian opposed.

Council Member Morzel moved, seconded by Gray to authorize the supplemental appropriation of \$2 million from the Open Space Fund balance to be placed into the Real Estate Acquisition CIP within the Open Space Fund and eventually into an escrow account for the joint acquisition of Section 16. The motion carried 7:2; Appelbaum and Karakehian opposed.

Council Member Morzel moved, seconded by Ageton to suspend the rules and continue the meeting at 10:37 p.m. The motion carried 8:1, Karakehian opposed.

C. **CONSIDERATION OF THE FOLLOWING THREE ITEMS RELATING TO DESIGN REVIEW AND THE DOWNTOWN: - 10:40 P.M.**

1. **SECOND READING AND CONSIDERATION OF A MOTION TO ADOPT ORDINANCE NO. 7788 AMENDING THE REQUIREMENTS RELATED TO URBAN AND ARCHITECTURAL DESIGN STANDARDS AND PROCESSES, INCLUDING SECTION 2-3-18, "DOWNTOWN DESIGN ADVISORY BOARD," B.R.C. 1981; STANDARDS RELATED TO THE USE OF PLANS AND GUIDELINES IN SECTION 9-2-15, "USE REVIEW," B.R.C. 1981; AND FORM, BULK, AND FLOOR AREA STANDARDS FOR THE DOWNTOWN ZONINGDISTRICTS.**
2. **PROPOSED REVISIONS TO THE *DOWNTOWN URBAN DESIGN GUIDELINES* INCLUDING A 65-FOOT SETBACK ALONG CANYON BOULEVARD, THE ADDITION OF AN INTERFACE AREA SOUTH OF CANYON, AND THE PROCESS FOR AMENDING THE GUIDELINES.**
3. **FEEDBACK ON POSSIBLE DT-5 ZONE CHANGES**

Louise Grauer and David Driskell provided the presentation on the item. Changes to the requirements related to Urban and architectural design standards and processes were outlined, along with proposed revisions to the Downtown Urban Design Guidelines and feedback was sought on possible DT-5 zone changes. Code changes would allow upper story setbacks of 20 feet setbacks for third story and above and heights would increase to 38 feet. This would be a staff level site review for 3 stories up to 28 feet with call-up by Planning Board. Additionally it was suggested the Downtown Design Advisory Board be renamed the Design Advisory Board to expand their review thresholds to projects that are visible from the public realm, projects in site review or with a value of \$25,000 or more. The revisions to the Downtown Urban Design Guidelines would be used to review downtown projects in the site review, in the Downtown Historic District (by the Landmarks Board), and advisory only for building permit projects.

Possible changes for the DT-5 zone included a housing linkage fee for nonresidential floor area (implementing recommendations from the Tischler Bise study) and possibly cultural or artistic floor area or publicly accessible open space.

Council member Morzel moved, seconded by Ageton to suspend the rules and continue the meeting at 11:06 p.m.; The motion carried 8:1; Karakehian opposed.

Council Member Gray clarified that there would not be any changes to the size of bars and restaurants in the downtown area. She suggested there should be a way to review this. She also asked whether the mechanical systems on the roofs of buildings could be embedded like at Mike's Camera at 15th and Pearl Street. Also, could there be an incentive to allow people to go up to 38 or 41 feet in height.

The public hearing was opened:

1. Elizabeth Allen asked Council to leave the by-right 35 feet and let developers come before Council if it additional height was really warranted. She did not

- agree with expanding the role of the Downtown Design Advisory Board.
2. Adrian Sopher on behalf of Jack Stoakes noted that a connections plan was important to this discussion. Four private property owners were impacted by the changes and would need to undergo site review. How did this all work together as an urban design plan? There was a wide range of what could happen with setbacks in relation to the by-right property situation.
 3. Ed Byrne speaking on his own behalf thought it was okay to allow on street-short term parking to allow for the visual appearance of safety. The current market called for more office space. Offsite work force housing and class A commercial should be included. The Tischler study should not be the final word.

There being no further speakers the public hearing was closed at 11:26 p.m.

Council Member Appelbaum questioned the community benefit, were there other options? Would the amount discourage people from doing it. Council needed to consider the unintended consequences.

Council Member Karakehian commented he had wanted this for quite a while. He like Sean Maher's e-mail in relation to what has changed downtown. He wanted to make sure the City didn't do away with the option for residential. Community benefit was a gray area for him – not sure what this is (a bench, art in front etc...). He suggested staff find a way to put this in writing. The linkage fee didn't bother him if someone could build commercial space. He asked whether any dollars created would stay downtown and buy into a larger community benefit or perhaps be invested in the pad site or some of the work that might get done in the Farmers Market area. He would hope funds generated would stay downtown and accumulate for a bigger idea.

Council Member Becker stated she was interested in keeping same FAR and adding a choice of additional community benefit. It was an important time to be looking at adding community benefit ideas.

Council Member Cowles would like to see the FAR remain at 2.7 and a density bonus should remain for housing. The current housing was too big and probably not occupied year round. He suggested ensuring smaller units had full time residents or full time tenants. He would like to see the addition of an average size for residential units.

Council Member Ageton liked the proposal brought forward. She thought the market would drive what happened. She would like to see more class A office space downtown and thought that encouraging more residential downtown might create more problems due to nightlife. She was struggling with the competing interests and would rather see more flexibility.

Council Member Appelbaum thought it was better for Downtown not to force residential as he did not see the benefit. He favored the option of allowing office space.

Mayor Osborne was interested in looking at other bonuses eventually and allowing someone to buy out of residential bonus through some sort of commercial linkage program (hopefully this would come forward in the short term, not long term).

Council Member Morzel wanted to make sure housing was still a viable option. She liked the idea of reducing the size of the units.

Council Member Becker moved, seconded by Appelbaum to adopt Ordinance No. 7788 amending the requirements related to urban and architectural design standards and processes, including section 2-3-18, "Downtown Design Advisory Board," B.R.C. 1981; standard related to the use of plans and guidelines in section 9-2-15, "Use Review," B.R.C. 1981; and form, bulk and floor area standards for the downtown zoning districts. The motion carried 7:0; Karakehian recused, Wilson absent.

Council Member Appelbaum moved, seconded by Becker to adopt the recommended revisions to the *Downtown Urban Design Guidelines* including direction to staff to bring back an ordinance that puts a 65-foot setback along Canyon Boulevard, the addition of an Interface Area south of Canyon, and a process for amending the *Guidelines*. The motion carried 7:0; Karakehian recused, Wilson absent.

Council Member Cowles offered a friendly amendment to direct staff to draft an ordinance that puts the 65 foot setback in the Boulder Revised Code. The friendly amendment was accepted

6. **MATTERS FROM THE CITY MANAGER: - 12:02 a.m.**

A. **CITY COMMENTS ON UNIVERSITY OF COLORADO DRAFT CAMPUS MASTER PLAN.**

Council agreed with staff's comments on the University of Colorado Draft Campus Master Plan and thought they addressed the appropriate issues.

7. **MATTERS FROM THE CITY ATTORNEY:**

None.

8. **MATTERS FROM MAYOR AND MEMBERS OF COUNCIL: - 10:05 a.m.**

A. **POTENTIAL CALL-UPS:**

1. **HEIGHT MODIFICATION TO PERMIT AN ACCESSORY STRUCTURE AT 23 FEET WHERE 20 FEET IS THE MAXIMUM HEIGHT FOR ACCESSORY STRUCTURES AT 855 JUNIPER. IP DATE: 04/27/11. LAST OPPORTUNITY FOR CALL-UP IS MAY 3, 2011. PLANNING BOARD APPROVAL 5:2.**

Council Member Gray moved, seconded by Cowles to call-up the Planning Board approval for the 855 Juniper height modification.

9. **PUBLIC COMMENT ON MATTERS: - 12:10 p.m.**

1. Jane Monson asked if the 855 Juniper item would be decided this evening or at a later time. Council clarified it would be considered during a public hearing within the next 30 days. She highly recommended that Council Members listen to the minutes of the

10. **FINAL DECISIONS ON MATTERS: - 12:12 a.m.**

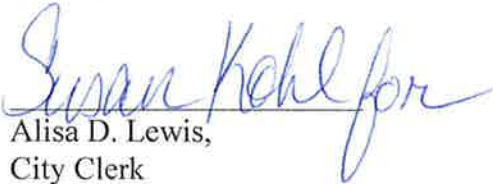
Council Member Gray moved, seconded by Cowles to call-up the 855 Juniper height modification. The motion carried 5:2; Ageton and Becker opposed; Karakehian and Wilson absent.

Council Member Gray moved, seconded by Osborne to introduce and order published by title only Ordinance No. 7792 approving supplemental appropriations to the 2011 budget. The motion carried 7:0; Karakehian and Wilson absent.

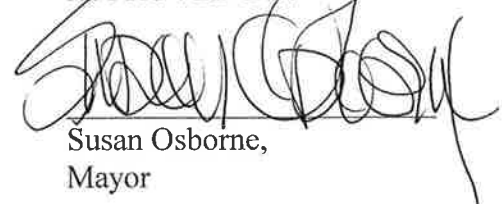
11. **ADJOURNMENT**

There being no further business to come before Council at this time, BY MOTION REGULARLY ADOPTED, THE MEETING WAS ADJOURNED AT 12:14 A.M.

ATTEST:


Alisa D. Lewis,
City Clerk

APPROVED BY:


Susan Osborne,
Mayor